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EXAMINER
HUSAR, J

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32M1/0516

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 12/5/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ~~days~~ from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-3, 5-7, 9-14 and 16-35 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 4, 8 and 15. have been cancelled.
3. ☒ Claims 13, 14, 16, 17, 34 and 35, are allowed.
4. ☒ Claims 1-3, 5-7, 9-12 and 18-33, are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1, 2, 5, 12, 29-31 and 33 are rejected under 35 U.S.C. § 103 as being unpatentable over Taylor.

Taylor discloses the invention substantially as claimed. Taylor discloses a pretreated additive (Fig.1, "26") into the homogenizer "32"; however, Taylor does not disclose the mixer located below the homogenizer. This location is considered an obvious matter of design choice to one skilled in the art to take advantage of gravity feeding in order to save on transport power requirements. Furthermore, in regard to claims 9-11, the specific mechanism used to load waste material into the homogenizer solves no stated problem and would have been an obvious matter of design choice absent a showing of criticality by the applicant.

3. Claim 3 is rejected under 35 U.S.C. § 103 as being unpatentable over Taylor as applied to claims 1, 2, 5, 12, 29-31 and 33 above, and further in view of Silveri et. al..

Taylor as modified discloses the invention substantially as claimed. However, Taylor does not disclose the vibrating screen. Silveri et. al., teaches, in the analogous filed of separation and comminution, a vibrating screen [Fig. 3,."54"] for separating out material of undesired size for more effective comminution.

It would have been obvious to one skilled in the art to further modify Taylor with a vibrating screen for separating out material of undesired size for more effective comminution as taught by Silveri et. al..

4. Claims 6, 7, 9-11 and 32 are rejected under 35 U.S.C. § 103 as being unpatentable over Taylor as applied to claims 1, 2, 5, 12, 29-31 and 33 above, and further in view of Sansing.

Taylor as modified discloses the invention substantially as claimed. However, Taylor as modified does not disclose the weight sensing elements for determining the amounts of additives to be added to the waste material. Sansing teaches, in the same field of endeavor, weight sensing elements for the purpose of determining the amounts of additives to be added to the waste material.

It would have been obvious to one skilled in the art to further modify Taylor with weight sensing elements in order to determine the amounts of additives to be added to the waste material as taught by Sansing.

5. Claims 18-28 are rejected under 35 U.S.C. § 103 as being unpatentable over Sansing in view of Silveri et al. and Taylor.

Sansing discloses the apparatus substantially as claimed. However, Sansing does not disclose the vibrating screen or the processing terminus located below the mixer. Silveri et. al. teaches, in the analogous field of separation and comminution, a vibrating screen [Fig.3, "54"] for separating out material of undesired size and Taylor teaches, in the same field of endeavor, a processing terminus located below the mixer in order to permit entry of a vehicle for waste material transport.

It would have been obvious to one skilled in the art to modify Sansing with a vibrating screen for separating out material of undesired size as well as with a processing terminus to permit entry of a vehicle for waste material transport as taught by Silveri et. al. and Taylor.

6. Claims 13, 14, 16, 17 34 and 35 are allowable over the prior art of record.

7. Applicant's arguments with respect to claims 1-3, 5-7, 9-12 and 29-33 have been considered but are deemed to be moot in view of the new grounds of rejection.

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication should be directed to John M. Husar at telephone number (703) 308-1790.

Husar/tnt
May 16, 1995

IRENE CUDA
PRIMARY EXAMINER
GROUP 3200